

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

SAIM SARWAR,

Plaintiff,

v.

NEELKANTH ENTERPRISES LLC,

Defendant.

Hon. Joseph H. Rodriguez

Civil No. 20-15685

ORDER

THIS MATTER having come before the Court upon Plaintiff Saim Sarwar's Motion for Default Judgment [Dkt. No. 9]; and the Clerk having made an Entry of Default on December 14, 2020; and Plaintiff having filed an Amended Complaint on December 20, 2020 [Dkt. No. 7]; and the Court finding that the Clerk's Entry of Default was filed in response to Defendant's failure to respond to the Original Complaint, which, by virtue of the Amended Complaint, is no longer the operative pleading in this matter, see United States ex rel. SimplexGrinnell, LP v. Aegis Ins. Co., No. Civ. A. 1:08–1728, 2009 WL 577286, at \*1 (M.D. Pa. Mar. 5, 2009) ("The law is well-settled that an amended complaint supersedes the original complaint rendering it of no legal effect."); and the Court finding that because the Clerk's Entry of Default was filed in relation to the superseded pleading, it shall be set aside and Plaintiff's Motion for Default Judgment [Dkt. No. 9] shall be denied as premature, see Huertas v. TransUnion, LLC, No. CV 08-244 (JBS/AMD), 2009 WL 10690329, at \*2 (D.N.J. Nov. 10, 2009) (citations omitted); therefore,

IT IS on this 25<sup>th</sup> day of January, 2021 hereby

ORDERED that the Clerk's Entry of Default be VACATED; and it is further

ORDERED that Plaintiff's Motion for Default Judgment [Dkt. No. 9] be DENIED.

/s/ Joseph H. Rodriguez  
Hon. Joseph H. Rodriguez  
UNITED STATES DISTRICT JUDGE